

REMARKS/ARGUMENTS

The claims 17 and 19-30. Claim 17 has been amended to better define the invention and to incorporate the subject matter of claim 18. Accordingly, claim 18 has been canceled. In addition, claim 30 has been amended to delete a reference numeral overlooked in the previous Amendment. Reconsideration is expressly requested.

Claims 20-23 were indicated as containing allowable subject matter; however, the remaining claims were rejected on the basis of the prior art. Specifically, claims 17-19, 24 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Binder U.S. Patent No. 6,152,333* in view of *Chambers U.S. Patent No. 1,972,181* and *Miller U.S. Patent No. 2,818,999*. The remaining claims rejected by the Examiner were rejected under 35 U.S.C. §103(a) as being unpatentable over *Binder, Chambers, and Miller* and further in view of *Yoncak U.S. Patent No. 5,615,805* (claims 26-28) or *Lafond U.S. Patent No. 7,163,130* (claims 29-30).

In response, Applicant has amended claim 17 so that it again recites at least one continuous seal on an outer side of the plunger as previously recited in claim 17 prior to Applicant's previous Amendment filed January 28, 2010. Applicant has also amended claim 17 to incorporate the feature previously appearing in claim 18 of an additional continuous sealing ring on the upper side of the plunger facing towards a rigid cartridge container. As this feature previously appeared in claim 18, which has been canceled herein, it is respectfully submitted that the Examiner should enter this amendment and reconsider the rejection of the claims in view of the following remarks.

As set forth in claim 17 as amended, Applicant's invention provides a device for the expression and dosed application of a flowable paste-like substance, including a housing, an accommodating chamber provided for a disposable substance pack and adapted to be opened on at least one end thereof, a discharge nozzle, and a plunger provided on the other end of the accommodating chamber and being displaceable in the direction of the discharge nozzle. The plunger is provided with at least one continuous seal on an outer side of the plunger and is operative

to press out the paste-like substance from the discharge nozzle by use of pressurized air.

As recited in claim 17 as amended, the device further includes an additional continuous sealing ring on the upper side of the plunger facing towards a rigid cartridge container, provided for sealing while substance is being pressed out of rigid cartridge containers. In this way, Applicant's invention provides a device for the expression and dosed application of a flowable paste-like substance which is able to press out the paste-like substance from a rigid cartridge in a uniform manner.

None of the cited references discloses or suggests a device for the expression and dosed application of a flowable paste-like substance, including an additional continuous sealing ring on the upper side of a plunger facing towards a rigid cartridge container.

The primary reference to *Binder* does not show any plunger or seal in the drawings. Although column 2, lines 60-67 of *Binder* discloses that the device includes a plunger or piston, there is

no disclosure or suggestion of any continuous sealing rings, let alone a continuous sealing ring on the upper side of a plunger facing towards a rigid cartridge container.

The defects and deficiencies of the primary reference to *Binder* are nowhere remedied by the secondary references to *Chambers* and *Miller*. *Chambers* discloses a lubricant gun which includes a piston 55. The piston 55 is forced by air under pressure which is admitted to the rear end of the opening 11 through the port 49. Therefore, the piston 55 moves towards the passage 32 in order to force the lubricant out through the passage 32. On the outer side of the piston, the piston includes a packing member or cup-leather for slidably sealing the wall of the opening 11. See page 3, left column, lines 46-56 of *Chambers*.

Miller discloses a caulking gun which shows a piston 40 which is used for pressing caulking compound out of a chamber 44 which is provided in a cylindrical housing. The piston 40 includes rings 41 on an outer side of the piston which serve as piston rings and, therefore, as sealing members.

There is no disclosure or suggestion in either *Chambers* or *Miller* of a continuous sealing ring on the upper side of the plunger facing towards a rigid cartridge container provided for sealing while a substance is pressed out of the rigid cartridge containers. In fact, neither *Chambers* nor *Miller* discloses or suggests a device which is capable of housing a disposable substance pack or rigid cartridge container.

Therefore, it is respectfully submitted that neither *Chambers* nor *Miller* can give any indication to one skilled in the art as to how to seal a plunger against the rigid cartridge container during the pressing out of the rigid cartridge container.

The remaining references *Yoncak* and *Lafond*, cited with respect to certain dependent claims, have been considered but are believed to be no more relevant. None of these references discloses or suggests a device for the expression and dosed application of a flowable paste-like substance, including an additional continuous sealing ring on the upper side of the plunger facing towards a rigid cartridge container, provided for

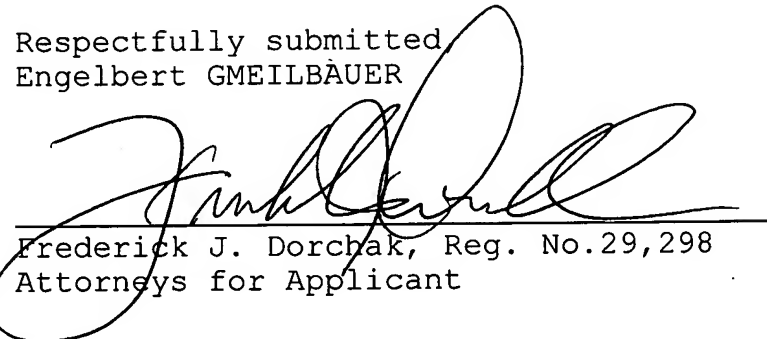
sealing while substance is being pressed out of rigid cartridge containers.

Accordingly, it is respectfully submitted that claim 17 as amended, together with claims 19 and 24-30, are patentable over the cited references, together with claims 20-23 which the Examiner indicated contain allowable subject matter.

In summary, claims 17 and 30 have been amended and claim 18 has been canceled. In view of the foregoing, withdrawal of the final action and allowance of this application are respectfully requested.

Respectfully submitted
Engelbert GMEILBAUER

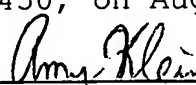
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